

DOCKET NO: 294013US6PCT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
FABRICE PINARD : EXAMINER: CHIMIAK, EMILY ANN
SERIAL NO: 10/589,577 :
FILED: JANUARY 10, 2007 : GROUP ART UNIT: 1791
FOR: METHOD FOR PRODUCING A :
COMPOSITE PART :

RESPONSE TO ELECTION REQUIREMENT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Election Requirement dated February 14, 2008, Applicant provisionally elects, with traverse, the Species A, identified in the Election Requirement as including Claim 7. Applicant makes this provisional election based on the understanding that Applicant is not prejudiced against filing one or more divisional applications that cover the non-elected claims.

Applicant further respectfully traverses this Election Requirement for the reason that Species A and B have not been treated relative to making a showing of a lack of “unity of invention,” as required by MPEP §1893.03(d) and 37 CFR §1.475 since this is a national stage application filed under 35 U.S.C. §371.

In this regard, MPEP §1893.03(d) establishes that the Examiner “must (1) list the different groups of claims and (2) explain why each group lacks unity with each other group (i.e., why there is no single general inventive concept) specifically describing the unique special technical feature in each group” (emphasis added). While the Requirement does list

the different groups of claims, it DOES NOT “(2) explain why each group lacks unity with each other group (i.e., why there is no single general inventive concept) specifically describing the unique special technical feature in each group” (emphasis added). Instead, the Requirement merely states that “The common technical feature...and one species...is old in the art.” It is respectfully submitted that this does not explain why the two groups themselves lack unity of invention.

Further, the Requirement states that Claims 1-6, 9, 10, 13, and 14 are generic. Applicant respectfully submits that, even if the Requirement is made final, Claims 11 and 12 are also generic as these claims do not lack unity of invention with Claim 7.

Consequently, since the Requirement does not meet the required “unity of invention” practice under MPEP §1893.03(d), Applicants respectfully submit that the Election Requirement should be withdrawn and that an action on the merits as to all of the pending claims is in order.

Respectfully submitted,

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